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MOFFAT-RIM 427 Laurier Avenue W. Suite 1200 Ottawa, ON K1R 7Y2 CANADA			BROPHY, MATTHEW J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/765,511	Applicant(s) WILLIS, EDWARD SNOW	
	Examiner MATTHEW J. BROPHY	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to amendment filed January 17, 2011.
2. Claims 1-10, 12 and 13 are now pending.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 3-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birum et al (2003/0221189), in view of Yu et al (USPN 6,597,908).

Claim 1:

A method of dynamically managing non-volatile memory items in a wireless device through a network, said method comprising the steps of:

At a mobile station [Figure 1, "140"; 0051, "wireless links" teaches that the device is wireless. See Also ¶¶55-57) note here applicant's "mobile station is interpreted as a "two-way wireless communication device" in light of that definition in the specification.];

-when registering to said network (¶51) "FIG. 1 shows a plurality of local area networks ("LANs") 120 and wide area network ("WAN") 130 interconnected by routers 110. Routers 110 are intermediary devices on a communications network

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that expedite message delivery. On a single network linking many computers through a mesh of possible connections”)

checking for a unique identifier item stored in said non-volatile memory items, said unique identifier item for identifying software loaded on said mobile station (**¶22, “where resources that belong to a particular version of an application are identified and placed in a list (hereinafter this version is called “V1”)” See Also, ¶29, “If a resource exists both in V1 and in V2, the process moves to decision block 515, where the process compares the resource in V2 with the resource in V1.”)** ;

-if said unique identifier exists, checking whether a value stored in said unique identifier item is the same as a software identifier (**Paragraph ¶06, “current version of an application is created and compared to the list of resources in a new version”; Paragraph ¶29] If a resource exists both in V1 and in V2, the process moves to decision block 515, where the process compares the resource in V2 with the resource in V1. This comparison may be done through a byte-by-byte comparison, through a digital signature, or some other comparison.”)** located in software loaded on said wireless device (**¶09, “for the new version stored locally on the client” (Since software identifier stored in software, it is inherent that the new version must be stored locally.)**) [Figure 1, “140”; 0051, “wireless links” teaches that the device is wireless.)];

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-if said unique identifier item does not exist (**¶39, "When a resource exists in V2 that does not exist in V1"]**) or if said identifier is different from said software identifier (**¶30, "If the resources are different"]**),

Sending only said software identifier along with an identifier (**¶39**) **"The process then moves to block 710, where the client may then purge each resource found in the upgrade list. When the client receives a request for a resource, it checks to see if the resource is contained in a cache or file that is locally accessible by the client computer. If the resource is not found locally, the client may request the resource from a content server using the list of resources in the most recent version. Thus, when upgrading from V1 to V2, when a resource exists in V2 that does not exist in V1, the resource will be requested when or before the client receives a request to access the resource."**] ... to said network **[Figure 1, "140"]**;

-receiving from said network **[Figure 1; 0051, "receives transmitted messages"]** a set of changes related to said software **¶11, "resources needed for the new version that are not in the current version"]**;

-executing said set of changes

[Figure 7, "715"] to update said non-volatile memory items **¶43, "downloaded all or a subset of the resources required to change a version"]**; and

-writing said software identifier to said unique identifier item

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¶45, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version."

(Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)]

Birum does not explicitly teach: ...an identifier indicating a particular carrier telecommunications company associated with the wireless device...

However, this limitation is taught by Yu. (Col. 5, Ln 39-64, **"In step 20 a mobile station originates/receives a call using standard call setup procedures. In step 22, the BSC accesses the DFC database for the mobile station originating/receiving the call using the mobile station's identifier as an index into the database to find the record corresponding to the mobile station either receiving/originating the call, and selecting from that record the preferred traffic carrier. After having determined the preferred traffic carrier for the mobile station at step 22, the BSC must determine whether that preferred traffic carrier is presently available at step 24."**) In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Birum with the teachings of Yu as Yu's disclosure teaches: " A further advantage of the present invention is that the DFC database allows for effortless software upgradeability and expansion of the testing system." (Col. 3, Ln 14-16.)

Claim 3:

-said writing step is performed after said updating step is complete

¶09, "client downloads the resources..., modifies a data structure..."; 0045, "while modifying the configuration file to be compatible with the new version."].

Claim 4:

-said updating step allows rollback to a previous software version

¶06, "the version of an application may be updated or rolled back"].

Claim 5:

-said updating step creates a new non-volatile memory item rather than replacing an existing non-volatile memory item to facilitate rollback to said existing non-volatile memory item.

¶45, "should not be overwritten...the upgrade list may specify that it should not be replaced."].

Claim 6:

-said updating step does not delete non-volatile memory items that have previously

been created **¶41, "the client may or may not actually delete"; 0045, "upgrade list**

may specify that it should not be replaced.">].

Claim 7:

-non-volatile memory items managed under other non-volatile memory management schemes are not updated in said updating step

¶38, "If the client has the most recent version, it may begin executing an application associated with the content." (If the versions are the same then there is no need to update.)].

Claim 8:

-software on said wireless device includes a mapping from old non-volatile memory items to new non-volatile memory items

¶45, "process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying configuration file to make it compatible requires mapping of the two versions.)].

Claim 9:

-said mapping is modified using said set of changes

¶45, "process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (In order to modify old configuration file you need to have a set of changes to make it

compatible with new version.)).

Claim 10:

A method for dynamically managing non-volatile memory items on a wireless device during registration to a network, said method allowing rollback to previous versions of software using said non-volatile memory items, said method comprising the steps of:

At a mobile station **[Figure 1, "140"; 0051, "wireless links" teaches that the device is wireless. See Also ¶¶55-57) note here applicant's "mobile station is interpreted as a "two-way wireless communication device" in light of that definition in the specification.];**

-on registration (¶51] **"FIG. 1 shows a plurality of local area networks ("LANs") 120 and wide area network ("WAN") 130 interconnected by routers 110. Routers 110 are intermediary devices on a communications network that expedite message delivery. On a single network linking many computers through a mesh of possible connections")**, checking the non-volatile memory items for a unique identifier, said unique identifier item for identifying software loaded on said mobile station ¶22, **"where resources that belong to a particular version of an application are identified and placed in a list (hereinafter this version is called "V1"))";**

-if said unique identifier item exists, checking whether a value in said unique identifier item is the same as a software identifier located in said software loaded on said...; ¶06,

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"current version of an application is created and compared to the list of resources in a new version"; 0029, "where the process compares the resource in V2 with the resource in V1 ."]

-if said unique identifier item does not exist ¶39, **"when a resource exists in V2 that does not exist in V1..."**] or if a value stored in said unique identifier is different from said software identifier ¶30, **"If the resources are different..."**], performing steps of:

-sending said software identifier along with an identifier ¶46, **"a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers)]**...to said network [Figure 1, "140"];

-receiving a set of changes from said network [Figure 1; 0051, **"receives transmitted messages"**] to update said non-volatile memory items, said updating step: ¶11, **"resources needed for the new version that are not in the current version"**]

-creating a new non-volatile memory item rather than replacing an existing non-volatile memory item to facilitate rollback;

¶45, **"should not be overwritten...the upgrade list may specify that it should not be replaced."**]

-retaining non-volatile memory items that have previously been created;

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¶41, "the client may or may not actually delete"; 0045, "upgrade list may specify that it should not be replaced."]

-avoiding non-volatile memory items created other non-volatile memory management schemes;

¶45, "When so designated, if such resources do not exist on a client computer, they may be updated with a "default"..." ("Traditional provisioning mechanisms" are considered well-known methods because "traditional" indicates old and well known.)]

-writing said software identifier to said unique identifier item (**¶45, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version." (Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)]**, whereby said creating, retaining, and avoiding steps in said updating step allows rollback to previous versions of software on said wireless device **¶06, "the version of an application may be updated or rolled back"]**

Birum does not explicitly teach: ...an identifier indicating a particular carrier telecommunications company associated with the wireless device...

However, this limitation is taught by Yu. (**Col. 5, Ln 39-64, "In step 20 a mobile station originates/receives a call using standard call setup procedures. In step 22, the**

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BSC accesses the DFC database for the mobile station originating/receiving the call using the mobile station's identifier as an index into the database to find the record corresponding to the mobile station either receiving/originating the call, and selecting from that record the preferred traffic carrier. After having determined the preferred traffic carrier for the mobile station at step 22, the BSC must determine whether that preferred traffic carrier is presently available at step 24.”)

In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Birum with the teachings of Yu as Yu's disclosure teaches: " A further advantage of the present invention is that the DFC database allows for effortless software upgradeability and expansion of the testing system." (Col. 3, Ln 14-16.)

Claim 12:

A wireless mobile station comprising:

-a receiver for receiving signals from a network; ¶51, "**receives transmitted messages"**]

-a transmitter for transmitting signals to a network; ¶51, "**receives transmitted messages and forwards them to their correct destinations over available routes."**]

-a digital signal processor for processing signals to be sent on said transmitter and received on said receiver; **[Figure 3, "302"]**

-a microprocessor communicating with said digital signal processor; **[Figure 3, "306"]**

-non-volatile memory having program storage and non-volatile memory items

¶61, "Computer storage media may include volatile and nonvolatile, removable..."], said non-volatile memory communicating with said microprocessor **¶51, "many computers through a mesh of possible connections..."; 0061, "store the desired information and which can be accessed by a computing device."]**; and input and output subsystems interacting with said microprocessor,

wherein said microprocessor including: **[Figure 3, "320"]**

-means for checking said non-volatile memory items for a unique identifier item said unique identifier item for identifying software loaded on said mobile station,

(See FIG. 4 & related text at ¶22]. Resources are listed for a current version at 405 (software identifiers for resource items in V1). At step 430 (& FIG. 6) resource list, with unique identifier item, for V2 is identified.) (See further ¶29)

-means for checking whether a value stored in said unique identifier item is the same as a software identifier located in said software loaded on said mobile station

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(¶06, "current version of an application is created and compared to the list of resources in a new version"; 0029, "where the process compares the resource in V2 (unique identifier items) with the resource in V1 (software identifiers).");

-means for updating said non-volatile memory; ¶45, "downloaded all or a subset of the resources required to change a version"]

-wherein if said means for checking said non-volatile memory for a unique identifier item finds that said unique identifier item does not exist ¶39, "When a resource exists in V2 that does not exist in V1"] or said means for checking whether said value finds said value is different from said software identifier ¶30, "If the resources are different"],

-said wireless device sends only said software identifier to said network and receives a set of changes, ¶46, "a client can change a file, such as a configuration file, and cause that file to be sent back to a server." (Configuration file that consists of identifiers); 0051, "receives transmitted messages"] from said network [Figure 1] (¶39) "The process then moves to block 710, where the client may then purge each resource found in the upgrade list. When the client receives a request for a resource, it checks to see if the resource is contained in a cache or file that is locally accessible by the client computer. If the resource is not found locally, the client may request the resource from a content server using the list of resources in the most recent version. Thus, when upgrading from V1 to V2, when a resource

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exists in V2 that does not exist in V1, the resource will be requested when or before the client receives a request to access the resource.”]

-said means for updating said non-volatile memory executing said set of changes ¶43, downloaded all or a subset of the resources required to change a version]

-and writing said software identifier to said unique identifier item.

¶45, "the process may maintain data contained in the old configuration file while modifying the configuration file to be compatible with the new version."

(Modifying old configuration file to be compatible with new version allows easy tracking both old and new version)]

Birum does not explicitly teach: ...an identifier indicating a particular carrier

telecommunications company associated with the mobile station...

However, this limitation is taught by Yu. (Col. 5, Ln 39-64, “In step 20 a mobile station originates/receives a call using standard call setup procedures. In step 22, the BSC accesses the DFC database for the mobile station originating/receiving the call using the mobile station's identifier as an index into the database to find the record corresponding to the mobile station either receiving/originating the call, and selecting from that record the preferred traffic carrier. After having determined the preferred traffic carrier for the mobile station at step 22, the BSC

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must determine whether that preferred traffic carrier is presently available at step 24.”)

In addition it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Birum with the teachings of Yu as Yu's disclosure teaches: " A further advantage of the present invention is that the DFC database allows for effortless software upgradeability and expansion of the testing system." (Col. 3, Ln 14-16.)

15. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birum et al (2003/0221189), in view of Yu et al (USPN 6,597,908) and further in view of in view of Moore et al (2002/0078142).

Claim 2 and 13:

Birum teaches the limitations of claims 1 and 12, and Moore further teaches the limitations of Claims 2 and 13: and in addition the identifiers are version numbers **[Figure 6A]**.. In addition, it would be obvious to one of ordinary skill in the art to apply the system versions numbers in Moore to the Birum invention as the two references are in the same field of endeavor, and the use of version numbers provides a tool of comparing operating system products. (Moore Paragraph [0008] “The information may be organized into records that identify things such as whether an online driver exists for the device, and if so, **what its version number is, so that other detected versions of**

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that driver (e.g., on a local hard drive) can be compared against the online version to determine which is the most-recent version and/or the "best match.") further, the well-known comparison of version numbers suggested in Moore would be obvious to try, with both a predictable result (a successful comparison mechanism) and a reasonable expectation of success.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

In Remarks, Applicant Argues:

Firstly, in contrast Birum does not relate to a mobile station. Claim I has been amended to make explicit that the wireless device is a mobile station. The Examiner refers to FIG. 1, item "140" and para. 0051 as suggest that of Birum teaches that the device is wireless, Applicant disagrees since reading further in the same paragraph Birum states "remote computer 140, and other related electronic devices can be remotely connected to either LANs 120 or WAN 130 via a modem and temporary telephone link,". To a person of ordinary skill in the art this suggests a device can connect wirelessly within a network and not that the device is a mobile device as recited in the subject claims.

Examiner's Response:

The examiner respectfully disagrees. The examiner maintains that Birum teaches that computer 140 may be a wireless device. As applicant points out, Birum describes remote computer 140 as connected through a modem and temporary telephone link. (¶51). This suggests the use of wireless or wired devices within the scope of Birum. This

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interpretation of the reference is further supported in discussion of the communication links in ¶¶53-54 and in the discussion of the wireless or wired client devices in ¶57.

Applicant's amendmend from "wireless device" to "mobile station" does not distinguish the claims from Birum. Birum's embodiments using wireless devices anticipates this claim limitation when interpreted in view of the specification because applicant's specification states "*mobile station 100 is preferably a two-way wireless communication device.*"

In Remarks, Applicant Argues:

Secondly, Birum does not perform the recited step of registering to said network.

Examiner's Response:

The examiner respectfully disagrees. When interpreting "registering" in view of the specification this limitation is anticipated by Birum. In the discussion of "registering" applicants specification states " When registering with a network, check whether an NV item exists for a unique identifier such as the software version number and if the NV item exists, whether the value stored in the identifier is the same as the software identifier." (Spec p. 7). The specification does not describe any particular "registration" requirements nor does it suggest any steps that must be carried out in order to "register" other than those quoted here and already otherwise present in the claims. The examiner, therefore, interprets "registering with a network" as a normal step of

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establishing a link between networked computers as described in e.g. ¶51. Further, ¶¶62-64 describe establishing connections between client computer 300 and server 200 over a network, including secure connections between the devices. These connects further anticipate the "registering" of applicants claims.

In Remarks, Applicant Argues:

Thirdly, Birum teaches a method and system for changing versions of a software application that is downloaded from a server to a client computer, so that a version of the software can be updated or rolled back. This is implemented by performing a comparison between two lists of resources, a first of which is a list of resources in the current version and the second is a list of resources in the new version, to determine: i. which resources from the new version are to be added to the current version; and ii. which resources not in the new version are to be purged from the current version. In response the relevant resources are downloaded or purged as the case may be. Thus, Birum addresses a different problem than the present invention. The object in Birum is to ensure that software upgrades can be rolled back when downloads fail or that only the needed resources are downloaded if network bandwidth is limited. Thus, Birum uses its list of resources or purge list to determine this. On the other hand, the object of the present matter is to automatically update persistent data, stored in the non-volatile memory of the mobile station, related to the identification of software following the loading of new software, wherein decisions about changes to the non-volatile memory data items are made in a central location in the network based on a carrier identification sent along with the software identifier.

Examiner's Response:

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The examiner respectfully disagrees. Regarding applicant's argument that the quoted motivation "is not claimed" and "the present application is not concerned with testing or testing systems..." Examiner refers applicant to §2144 of the MPEP:

The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. See, e.g., *In re Kahn*, 441 F.3d 977, 987, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) (motivation question arises in the context of the general problem confronting the inventor rather than the specific problem solved by the invention); *Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc.*, 424 F.3d 1293, 1323, 76 USPQ2d 1662, 1685 (Fed. Cir. 2005) ("One of ordinary skill in the art need not see the identical problem addressed in a prior art reference to be motivated to apply its teachings."); *In re Linter*, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972) (discussed below); *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897 (Fed. Cir. 1990), cert. denied, 500 U.S. 904 (1991) .

In Remarks, Applicant Argues:

Fourthly, careful review of Birum's process flow (FIG. 4) shows that Birum must first obtain an indication (from the network) of whether there is a version change to the current software (step 410). If so, then Birum, at step 415, retrieves a resource list of the new software version. Thus the step of "checking whether a value stored in said unique identifier item is the same as a software identifier located in said software loaded on said mobile station" of the subject claims cannot be taught by Birum (i.e. checking in Birum is not performed against loaded software). As identified above, Birum~ has to first retrieve a resource list from the network for the new version. This is further described for example at paragraph [0038] of Birum. Accordingly Birum does not perform a comparison with a software identifier located in said software loaded on said mobile station°

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Examiner's Response:

The examiner respectfully disagrees. As described in at least ¶29 of Birum, Birum uses the ids from the resource list of V2 (read: "unique identifier") to determine where resources of V2 previous existed in V1 and are already on the remote computer, i.e. the ids from the resource list are "*for identifying software loaded on said mobile station.*"

In Remarks, Applicant Argues:

Fifthly, Birum does not teach "in response to sending,. receiving from said network a set of changes related to said software identifier", While Birum discloses receiving one or more resources, resource lists or purge lists, none of these relate to changes related to a software identifier

Further, nothing teaches the execution of a set of changes to update a non-volatile memory item nor does it teach the writing of a software identifier to the unique identifier item, as taught in claim 1, Furthermore claim 1 has been amended to recite sending only an identifier without a file; in contrast Birum contemplates sending an entire file rather than a software identifier as defined in the present claims. Accordingly, Birum also does not teach ~sending the software identifier, Accordingly, the applicant respectfully disagrees with the Examiner's that Birum teaches features of claim 1,

.

Examiner's Response:

The examiner respectfully disagrees. The updated resources in the software of v2 of Birum anticipate "a set of changes related to the software identifier" because they include updates to the identified software resource.

Further, with regards to applicant's amendment to include sending only the software identifier this amendment does not overcome the rejection. The examiner appreciates applicants attempt to amend based on the arguments in the previous rejection, but both the examiner's response in the previous rejection and applicant's arguments in the present remarks discuss "sending only an identifier *without a file*" while the emphasized language is not included in the amended claims. Interpreting the currently amended limitation "sending only said software identifier along with an identifier..." in light of the specification does not distinguish from the argued embodiment of ¶46 because interpreting "only the software identifier" in light of applicant's specification does not preclude, e.g. a configuration file enclosing the single identifier. Further, separate of the embodiment of ¶46 including the configuration file, Birum in ¶39 teaches a request for an updated resource, which inherently must include the identifier of that resource. This embodiment anticipates applicants amended limitation as well as applicant's argued limitation "without a file" which is not presently in the claims.

In Remarks, Applicant Argues:

Applicant's previous response. s mobile station sends only mobile station identifiers to the network, At the BSC Yu uses the mobile identifier, in a look-up table to find a carrier company° The Examiner argues that this look-up using the mobile identifier in the BSC is equivalent to the step of "sending... an identifier indicating. a particular carrier by the device. Applicant contends that this is improper since this moves the claimed step,

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which is performed at the mobile device to be performed at the BSC. The present claims do not recite this step being performed at the BSC, The present claims have been amended to explicitly recite the steps being performed at the mobile station° Accordingly Yu does not teach the feature of sending an identifier indicating a particular carrier. Furthermore~ if" this or other steps are performed at the BSC then one of the benefits of the subject application would not be realized i.e. changes to the non volatile(NV) file system made outset the context of Dynamic NV management do not unexpectedly reset in subsequent time periods. Thus even when combined with Y u, Birum and Yu do not teach all the features of the subject independent claims 1, 10 and 12.

Examiner's Response:

The examiner respectfully disagrees. As discussed in the previous rejection, Yu anticipates the claim limitation at issue because the identifier sent by Yu anticipates an identifier indicating a particular carrier company. Yu teaches sending of a mobile ID number from a mobile station to the base station (Col. 3 ln 63 to Col 4, Ln 42). This ID number is used as a table index to identify the carrier (e.g. Col 2, Ln 12-24). Therefore the examiner interprets this mobile identification number as "an identifier indicating a particular carrier..." Applicants argument that this is not done *at the mobile station* is unpersuasive. While the Yu reference does not teach sending e.g. the name of a carrier from the mobile station, the mobile station itself sends the mobile Id "indicating a particular carrier telecommunications company associated with the wireless device." While the ID must be decoded as many ids in the art must be decoded, the "identifier "indicating a particular carrier telecommunications company" is sent from the mobile station itself and therefore anticipates applicants claim limitations.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is 571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

3/24/2011

/Anna Deng/

Primary Examiner, Art Unit 2191